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FILED
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U.S. DISTRICT COURT, N.Y.
JAN 31 2011 ☆

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

X

DAVID HENRY,

Plaintiff,

- against -

RODNEY PAIGE, VITO ARDITO, JOESELYN
SANABRIA, YLKA MORALES, OSCAR SANDINO,
GILBERT RIVERA, and THE CITY OF NEW YORK,

Defendants.

STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE

09 CV 1245 (DGT)(RLM)

X

WHEREAS, plaintiff commenced this action by filing a complaint on or about March 25, 2009, alleging that certain of his federal and state rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff DAVID HENRY, the sum of TWENTY THOUSAND DOLLARS (\$20,000.00) in full satisfaction of all claims made against the defendants, including claims for costs, expenses, and attorney fees. In

consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the named defendants, City Of New York, Sergeant Vito Ardit, Detective Rodney Paige, Detective Joeselyn Sanabria, Detective Ylka Morales, Detective Oscar Sandino, And Detective Gilbert Rivera, with prejudice, and to release all of the defendants, and any present or former employees or agents of the City of New York, or any agency thereof, including, but not limited to, the New York City Police Department, from any and all liability, claims, or rights of action under state or federal law arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit Concerning Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
October 15, 2009

EUGENE BELLIN, ESQ.
Attorney for Plaintiff
233 Broadway, Suite 2201
New York, New York 10279
(212) 267-9100

Date: October 19, 2009

By: Eugene M. Bellin
Eugene Bellin

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
*Attorney for Defendants City, Ardito,
Paige, Sanabria, Morales, Sandino,
and Rivera*
100 Church Street, Room 3-188
New York, New York 10007
(212) 442-2715

Date: October 19, 2009

By: Shlomit Aroubas
Shlomit Aroubas
Assistant Corporation Counsel

SO ORDERED:

s/NGG

~~HON. DAVID G. TRAGER, U.S.D.J.~~